IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Fan, et al. Atty. Docket No.: YOR920030261US1

Serial No.: 10/658,623 Group Art Unit: 2129

Filed: September 9, 2003 Examiner: Davis, George B.

For: CROSS-FEATURE ANALYSIS

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

PETITION WITHDRAW HOLDING OF ABANDONMENT UNDER 37 C.F.R. 1.181(a) BASED ON FAILURE TO RECEIVE OFFICE ACTION

Sir:

In response to the Notice of Abandonment dated October 7, 2008, the Applicants hereby petition for the Notice of Abandonment to be withdrawn due to non-receipt by the Applicants of the March 17, 2008 Office Action.

Specifically, the October 7, 2008 Notice of Abandonment references a March 17, 2008 Office Action and indicates that the Applicants failed to respond to this Office Action. In support of this petition to withdraw the holding of abandonment, the Applicants submit the Office Action dated March 17, 2008 and referenced by the Examiner in the October 7, 2008 was never received. More specifically, a review of the file jacket and docket records maintained by Gibb & Rahman, LLC, the office of the attorney of record for this application, revealed the following:

On Friday, February 29, 2008, the Examiner left a voice message for Pamela M. Riley, an associated with Gibb & Rahman, LLC, indicating that he wished to propose an amendment that would place the claims in condition for allowance. On Monday, March 3, 2008, Pamela M. Riley returned the Examiner's phone call. During this return phone conversation, the Examiner indicated that a final rejection had already been issued and suggested scheduling another phone call after review of the final rejection.

On March 18, 2008, an Office communication from the USPTO and dated March 17, 2008 was received by Gibb & Rahman, LLC. This March 17, 2008 Office communication contained only an Interview Summary (see **Attachment I**) indicating that the date of the "interview" was February 27, 2008 and commenting as follows: "Examiner called to discuss suggestions for putting the claims in condition for allowance. There was no answer." As indicated, no message was left by the Examiner on February 27, 2008. Furthermore, no reference was made in the Interview Summary to the phone message that was left by the Examiner on February 29, 2008 or to the actual telephone discussion between the Examiner and Pamela M. Riley on March 3, 2008.

The Office communication dated March 17, 2008 did not contain an Office Action and no Office Action dated March 17, 2008 was ever received by Gibb & Rahman, LLC. In support of this statement, attached are copies of a received communications log (Attachment II), docket sheets (Attachment III), a docket report (Attachment IV) and a listing of available documents in application serial number 11/658,623, as generated by the Secured Patent Application Information Retrieval system on October 10, 2008 (Attachment V).

10/658,623

Attachment II is a copy of a log containing entries of all communications received by Gibb & Rahman, LLC from the USPTO from March 6, 2008 to April 21, 2008 (a day prior to, and a month after the suggested March 17, 2008 mailing date for the Office Action). These log entries indicate receipt on March 18, 2008 of the Office communication dated March 17, 2008 and further indicate that this Office communication contained only an Interview Summary. Please note that copies of log entries for July 24, 2008 through the end of August 2008 are also included in Attachment II, see discussion below.

Attachment III contains copies of the most recent docket sheets generated by Gibb & Rahman, LLC, for application serial number 11/658,623 and placed in the file. These docket sheets indicate that a 1.111 amendment was docketed and then filed on November 28, 2007. The file does NOT contain a docket sheet on or after March 17, 2008 (i.e., a 1.116 amendment was never docketed) because no Office Action dated on or after March 17, 2008 was ever received.

Attachment IV is a copy of a docket report generated by Gibb & Rahman, LLC. This docket report shows all entries made to our docketing system for a date three months from the mail date of the non-received Office Action which was date mailed March 17, 2008 (the report covers March 10, 2008 – June 18, 2008). Serial number 10/658,623 is not shown within this docket report because no Office Action dated on or after March 17, 2008 was ever received.

Attachment V is a listing of available documents in application serial number 11/658,623, as generated by the Secured Patent Application Information Retrieval

10/658,623

(PAIR) system on October 10, 2008. Attachment V highlights additional discrepancies in the mailing of Office communications regarding application serial number 11/658,623. Specifically, an Office communication received from the USPTO is not on record as ever having been sent and two Office communications on record as having been sent were never received. For example, as shown above, Gibb and Rahman, LLC received an Interview Summary that was mailed by the USPTO on March 17, 2008, but never received an Office Action mailed on that date. Attachment V shows a record of an Office Action being mailed by the USPTO on March 17, 2008, but not a record of an Interview Summary being mailed on that date. Additionally, Attachment V shows a record of an Interview Summary being mailed on July 24, 2008. This July 24, 2008 Interview Summary was never received by Gibb and Rahman, LLC (as evidenced by the log and docketing entries of Attachments II-IV). However, a review of a copy of this July 24, 2008 Interview Summary (as acquired from PAIR) clearly reveals that it is the exact same document as that received by Gibb and Rahman, LLC, approximately four months earlier referencing the same February 27, 2008 "date of interview" (see Attachment VI).

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In view of the foregoing, the Applicants request that the holding of abandonment

be withdrawn, that the Office Action be re-mailed, and the date for all required action be

restarted from the new mailing date. This Petition under 37 CFR 1.181(a) does not

require a fee. Please charge any deficiencies and credit any overpayments to Attorney's

Deposit Account Number 50-0510.

Respectfully Submitted,

Date: October 15, 2008

/Pamela M. Riley / Frederick W. Gibb, III Registration No. 40, 146

Gibb & Rahman, LLC 2568-A Riva Road, Suite 304 Annapolis, MD 21401

Voice: (410) 573-1545 Fax: (301) 261-8825

Customer Number: 29154

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,623 09/09/2003 28211 7590 03/17/2008 FREDERICK W. GIBB, III Gibb & Rahman, LLC 2568-A RIVA ROAD SUITE 304 ANNAPOLIS, MD 21401	RECEIVED MAR 1 8 2008	YOR920030261USI 2548 EXAMINER STARKS, WILBERT L		
		GIBB & RAHMAN, LLC RESPONSE DUE	ART UNIT 2129	PAPER NUMBER
			MAIL DATE	DELIVERY MODE
			03/17/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

·	Application No.	Applicant(s)				
Intoniou Cummany	10/658,623	FAN ET AL.				
Interview Summary	Examiner	Art Unit				
	Wilbert L. Starks, Jr.	2129				
All participants (applicant, applicant's representative, PTO	All participants (applicant, applicant's representative, PTO personnel):					
(1) <u>Wilbert L. Starks, Jr.</u> . (3)						
(2) <u>Pamela Riley</u> .	(4)					
Date of Interview: 27 February 2008.						
Type: a)⊠ Telephonic b)⊡ Video Conference c)⊡ Personal [copy given to: 1)⊡ applicant 2	2) applicant's representative)				
Exhibit shown or demonstration conducted: d) Yes If Yes, brief description:	e)⊠ No.					
Claim(s) discussed: <u>1,2,4-8,10-15,17-21 and 23-26</u> .						
Identification of prior art discussed:						
Agreement with respect to the claims f) was reached.	$(\mathfrak{p}) igotimes \mathbb{N}$ was not reached. $(\mathfrak{p}) igodot \mathbb{N}$	I/A.				
Substance of Interview including description of the general reached, or any other comments: <i>Examiner called to discusallowance</i> . <i>There was no answer</i> .						
(A fuller description, if necessary, and a copy of the amend allowable, if available, must be attached. Also, where no c allowable is available, a summary thereof must be attached	opy of the amendments that w					
THE FORMAL WRITTEN REPLY TO THE LAST OFFICE A INTERVIEW. (See MPEP Section 713.04). If a reply to the GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER INTERVIEW DATE, OR THE MAILING DATE OF THIS INT FILE A STATEMENT OF THE SUBSTANCE OF THE INTE requirements on reverse side or on attached sheet.	last Office action has already OF ONE MONTH OR THIRTY ERVIEW SUMMARY FORM, '	been filed, APPLICANT IS / DAYS FROM THIS WHICHEVER IS LATER, TO				
	AARIbook L. Otoutin L. J.					
	/Wilbert L. Starks, Jr./ Primary Examiner, Art Unit 21					
	Examiner's signature, if requir					

U.S. Patent and Trademark Offic PTOL-413 (Rev. 04-03)

Interview Summary

Paper No. 20080303

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Date	Correspondance	Serial No.	Signature
	Response to Rule 31.		
	Decision on Petition		k6
3/6/08	PCT NOTICE	NM1.500UPC	
3/4/08	PCT Notice	PCT/US (36/)	rb
3/6/08	Not. Allowance	101328,255	Kb
	Final DA	101624,069	Kb
3/6/08	Non-Anal OA	111460,638	l kb
	Advisory Action	111670,001	kb
3/10/08	Mon-final OA	10/855,300	kb
3/10/08	NOT. Allowance	11/623,882	Kb
3110108	Non-final on	11/838,967	kb
3/10/08	Non-Anal DA	11/161,219	kb
3/10/08	PCT NOtice	PCT/US2006	kb
अविविध	Mon-Comp. Amend	11/176,932	kb
3/12/18	Not. Allowance	11/314,432	Kb
3/12/08	Not. Allowance	10/689,417	Kb
3/1a/08	WHES Patent	11/160,706	1Cb
. 1	WHES Patent	11/379,581	kb
3/17/08	Interview Summary	09/517,523	kb
3/17/08	Adulsory Action	11/275,035	Kb
3/17/08	Intervew sommary	11/280,013	kb
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3117108	Non-Anal OA	11/736,600	kb

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3/17/08	Mon-final DA	111193,737	Kb	3
3/17/08	Non-Anal DA	101955,251	Kb	3
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3/17/08	Finalon	n 1533,907	Kb	3
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	Non-Analon	101905,587	1 Kb	
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	Issue Notice	11/381,613	Kb	
317108	Issue Notice	10/109,321	Kb	{
3/18/108	Advisory Action	10 1095,237	Kb	3
	Not. Allawance	11/500,318	Kb	31
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	Non-Analon	111838,928	kb	3
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3/18/08	Non-Analon	11/1830,869	Kb	3.
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3/18/08	Final on	1091772,244	Kb
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3/18/08	PCT Notice	EXE,5001907	- Lb
3/18/08	PCT NOTICE	CAR 5000CIP - F	rct kb
3/19/08	Advisory ACH CA	101952,287	K6
3/19/08	Advisory Action	101709,793	kb med
3)19/08	Advisory Action	10/138,857	Kb
3/19/08	NOT. Allowance	10/249,690	Kb
3/19/08	Non-final oa	111056,766	Kb
3/19/08	Non-Anal on	10/936,410	Kb
3/19/08	Final OA	10/695,475	Kb
3/19/08	Interview Somm	11/280,167	K
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3/24/08	bA .	n 1275,481	Kb	3
3/24/08	\$ Not. Allowability	10/699,380	Lb	3
3/24/08	Examiner's Answer	10/290,687	Kb	3
3/2/108	Not. Allowance	11/420, 318	Kb	3
3/26/08	NOT. Allowance	11/306,719	kb	3
3 bults	Not. Allowance	11/163,9696	kb.	2
3/26/08	Adulsory Action	11/380,013	Kb	. 3
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3/26/08	Final OA	10/8/11,275	kb	4!
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3011618	Decision on Appeal	10/11/842	Kb	4),
3/27/08	Not Allowance	10/064,451	Kb	4
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3/97/08	Decision on Petition	10/624,069	l'ob	(4)
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417108	Non-Anal CA	11119.652	Kb.	4)1
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417108	Board of Appeal Dovet	ng 09/863,921	16	4
417/08	Office Action	10/721,890	kb	4
417108	Charge power Atty	10/249,690	k5	4
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417/108	Non-final on	10/249,690	kb	4
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417108	von-final on	111748,575	Kb	
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	419108	NOT. OF Allowance	111838,931	kb
	419108	NOT OF Allowance	10/690,693	Kb
	419108	Man-Amai DA	09/895/198	Kb
	4/9/08	Final OA	11/163/584	kb
	419108	Non-Anal OA	11/869,766	Kb
	419108	Supp. Not. Allowabilit	409/669,680	kb
	419108	Examinars Answer	10/12/960	
		Mon-Anal On	091901,227	Kb
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4/15/08	Final OR	11/249,920	Tib
4/15/08	Restriction Req.	11/10/9,357	165
4/15/08	Non-final OA	10/905,403	leb
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4117108	Non-final on	11/461,208	kb
4117108	Non-Anal DA	11/531,859	kb
4111108	Species	11/118,526	(b)
411108	Adulsory Action	10/723,469	kb
	Letters Fatent	10/314,822	Kb
	letters Fatent	11/307,762	Kb
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4111108	Species Req	11/560/126	kb
4117108	MON-HINCH OH	11/185,6416	165
111710	response to 312	10/202/01	16
4/2/1/03	Final OA	101906,824	K b
1:12:108	Pesponse to Rule 312	11/279,262	Kb,
111, 108	Notice missing parts	12/055,420	Kb
4/2/108	Notice Omitted Items	12/034,964	Kb
	Advisory Action	10/9/02/197	K6
1/0/100	Final oa	D91974,377	Kb

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Date	Correspondence	Serial No.	Signature
7/21/08	_	101890,496	Kb
7/22/168	Advisory Action	111098'908	kb -
7/02/08	11/164,109 Ad. Act.		Kb
	Non-Comp. Amend	111625,607	kb
7/22/08	Final 6A	101975,213	kb
	Non-Anal OA	10/707,974	Kb
	Non-Anal On	10/767,593	Kb
	Non-Anal DA	101947,086	leb
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7/28/08	Non-final DA Non-final DA	11/275,481	Kb
	NOA	12/027,467	Kb 8
7/28/08	Ex. Answer	10/958,201	K6
7/28/08	Non-Anal on	11/118,526	kb i
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8/11/08	NOA	11/422,457	kb
8/11/08	NOA	11/232,675	K6
8/11/08	NOA	10/835,989	kb
8/11/08	NOA	111460,010	kb .
8/11/08	NOA	11/462,508	Kb
8/11/08	NOA	111056,761	1cb
8/12/08	Mon-Comp. IDS	11/532,207	kb
801818	NOT. Fore I Deasion	109/974,377	kb
8018	NOA	10/708,316	Kb
8/13/08	NOA	12/062,599	Kb
8/13/08	Advisory Action	11/499,365	kb
8/13/08	Office Action	09/629,831	Kb
8/14/08	Advisory Action		
8/14/08	Final on	101230,910	Kb
8/14/08	Non-Anai on	673,488101	kb
8014118	Won-Anai OA	11/135,742	Kb
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8/18/08	Adulsony Action	11/292,096	kb
8/18/08	Missing parts	12/183,449	Kb
8/18/18	DOCKETING NOTICE	091918,167	Kb
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	Respons	ible Atty	FWG/PMR
Our Ref	YOR.5082	Serial No	10/658,623
Inventors	Wei Fan, Philip Shi-lung Yu	Title	SYSTEM AND METHOD USING C
Client's Ref	YOR920030261US1	Client's Attorn	ey GHZ
Filed	9 /9 /2003		
Last Item Entered in File	Amendment 1.111 Filed		
Date of Last Item	11/28/2007		
Next Action	Office Action?	Next Du	e Date 3 /28/2008
Date Docketed	11/28/2007	Dockete	ed By kb
Issue Date		Destroyed	
US Pat No		Divisional po	ssible?
Comments	**FILE BY 08/29/03**		Foreign filing Date
Attorney	FWG/PMR	۳	

Our Ref YO	R.5082	Serial No	10/658,623
Inventors FAN	I ET AL.	Title	SYSTEM AND METHOD USING C
Client's Ref YO	R920030261US1	Client's Attor	
Filed	9 /9 /20	003	
Last Item Entered in File	Office Action Rec'd	<u></u>	
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Next Action Ame	ndment 1.111 Due	Next D	ue Date 12/10/2007
Date Docketed	9 /14/2	2007 Docke	ted By kb
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US Pat No		Divisional p	ossible?
Comments **	FILE BY 08/29/03**		Foreign filing Date
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5 /8 /2008	Reply Brief Filed	10/247,924
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5 /14/2008	Filed Replacement Drawings	12/060,943
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Tuesday, October 14, 2008

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Patent eBusiness 🗆	Secured Patent	Application Informa	Ition Retrieval				1
Electronic Filing	Secured Patient Application Information Retrieval Order Certified Application As Filed Order Certified File Wrapper View Order List						
Patent Application Information (PAIR)	10/658,623 Cross-feature analysis						
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Search Biological Sequences Copies, Products & Services	07-24-2008	EXIN	Summary Record (PTOL - 413)	PROSECUTION	:	2 [
	03-17-2008	CTFR	Final Rejection	PROSECUTION	58	3 [
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	11-28-2007	CLM	Claims	PROSECUTION	11	[
	11-28-2007	REM	Applicant Arguments/Remarks	PROSECUTION	40		····-1
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	11-28-2007	N417	Acknowledgment Receipt	PROSECUTION	2	L	
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	09-10-2007	CTNF	Non-Final Rejection	PROSECUTION	53	Γ	
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	09-10-2007	FWCLM	Index of Claims	PROSECUTION	1		
			Search information including				
	09-10-2007	SRFW	classification, databases and other	PROSECUTION	1	[]	
			search related notes				
	09-04-2007	SRNT	Examiner's search strategy and results	PROSECUTION	27]
	05-24-2007	AP.B	Appeal Brief Filed	PROSECUTION	44		
	05-24-2007	N417	EFS Acknowledgment	PROSECUTION	2	[]]
	05-24-2007	WFEE	Receipt Fee Worksheet (PTO-06)	PROSECUTION	1		
	04-30-2007	N/AP	Notice of Appeal	PROSECUTION	1		
	04-30-2007	WFEE	Filed Fee_Worksheet	PROSECUTION	2		
	04-30-2007	LET.	(PTO-06) Miscellaneous Incoming Letter	PROSECUTION	2	L.	
	04-30-2007	N417	EFS Acknowledgment Receipt	PROSECUTION	2		
	04-17-2007	CTNF	Non-Final Rejection	PROSECUTION	16	41111)

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04-17-2007	FWCLM	Index of Claims	PROSECUTION	1	
04-17-2007	BIB	Bibliographic Data Sheet	PROSECUTION	1	
04-13-2007	SRNT	Examiner's search strategy and results	PROSECUTION	45	
02-09-2007	WFEE	Fee Worksheet (PTO-06) Amendment After	PROSECUTION	1	
02-09-2007	ANE.I	Final or under 37CFR 1.312, initialed by the examiner.	PROSECUTION	1	
01-18-2007	RCEX	Request for Continued Examination (RCE)	PROSECUTION	1	
01-18-2007	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	2	
01-18-2007	N417	EFS Acknowledgment Receipt	PROSECUTION	2	
01-12-2007	CTAV	Advisory Action (PTOL-303) Amendment	PROSECUTION	3	
12-12-2006	AMSB	Submitted/Entered with Filing of CPA/RCE	PROSECUTION	1	
12-12-2006	CLM	Claims	PROSECUTION	10	
12-12-2006	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	6	
12-12-2006	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	1	[]
10-18-2006	CTFR	Final Rejection	PROSECUTION	4	
10-18-2006	FWCLM	Index of Claims	PROSECUTION	1	
07-31-2006	A	Amendment/Req. Reconsideration- After Non-Final Reject	PROSECUTION	1	
07-31-2006	CLM	Claims Applicant	PROSECUTION	9	
07-31-2006	REM	Arguments/Remarks Made in an Amendment	PROSECUTION	5	
07-31-2006	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	1	
06-29-2006	CTNF	Non-Final Rejection	PROSECUTION	5	
06-29-2006	892	List of references cited by examiner	PRIOR ART	1	
06-29-2006	FOR	Foreign Reference	PRIOR ART	17	
06-29-2006	BIB	Bibliographic Data Sheet	PROSECUTION	1	
06-29-2006	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1	
06-29-2006	FWCLM	Index of Claims	PROSECUTION	1	
06-24-2006	SRNT	Examiner's search strategy and results	PROSECUTION	3	
01-09-2006	LET.	Miscellaneous Incoming Letter	PROSECUTION	1	
01-09-2006	NDRW	New or Additional Drawings	PROSECUTION	5	
01-05-2006	PA	Power of Attorney	PROSECUTION	1	
09-09-2005	CTMS	Miscellaneous Action with SSP Petition decision routed to the OIPE	PROSECUTION	1	
08-11-2005	PET.DEC.OI	PE to act on the decision or continue prosecution.	PROSECUTION	2	
08-11-2005	WFEE	Fee_Worksheet (PTO-06)	PROSECUTION	2	
06-09-2005	PET.OP	Petition for review by the Office of Petitions.	PROSECUTION	3	

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06-09-2005	DRW	Drawings-only black and white line drawings	PROSECUTION	5	
06-09-2005	PEFR	Applicant Response to Pre-Exam Formalities Notice	PROSECUTION	2	
06-09-2005	LET.	Miscellaneous Incoming Letter	PROSECUTION	7	
05-13-2005	PEFN	Pre-Exam Formalities Notice	PROSECUTION	2	
09-09-2003	TRNA	Transmittal of New Application	PROSECUTION	5	
09-09-2003	SPEC	Specification	PROSECUTION	13	
09-09-2003	CLM	Claims	PROSECUTION	6	
09-09-2003	ABST	Abstract	PROSECUTION	1	
09-09-2003	OATH	Oath or Declaration filed	PROSECUTION	6	
09-09-2003	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	1	
09-09-2003	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	1	
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,623	09/09/2003	Wei Fan	YOR920030261US1	2548
28211 FREDERICK V	7590 07/24/2008 W. GIBB. III		EXAM	INER
Gibb & Rahman, LLC		STARKS, WILBERT L		
2568-A RIVA ROAD SUITE 304			ART UNIT	PAPER NUMBER
ANNAPOLIS, MD 21401		2129		
			MAIL DATE	DELIVERY MODE
			07/24/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet. Awilbert L. Starks, Jr. / Primary Examiner, Art Unit 2129	2 4 7 7	Application No.	Applicant(s)	
All participants (applicant; applicant's representative, PTO personnel): (1) Wilbert L. Starks, Jr.	Intonviow Summary	10/658,623	FAN ET AL.	
All participants (applicant, applicant's representative, PTO personnel): (1) Wilbert L. Starks, Jr. (2) Pamela Riley. Date of Interview: 27 February 2008. Type: a) Telephonic bi video Conference college Personal [copy given to: 1) applicant 2) applicant's representative] Exhibit shown or demonstration conducted: d) Pse e) No. If Yes, brief description: Claim(s) discussed: 1.2.4-8.10-15.17-21 and 23-26. Identification of prior art discussed: Agreement with respect to the claims f) was reached. g) was not reached. h) N/A. Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Examiner called to discuss suggestions for putting the claims in condition for allowance. There was no answer. (A fuller description, if necossary, and a copy of the amendments which the examiner agreed would render the claims allowable is available, as summary thereof must be attached.) HE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713-04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW. Shaftware The Malling DATE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet. Examiner Note: You must sign this form unless it is an Attachment to a signed Office action. Wilbert L. Starks, Jr./ Primary Examiner, Art Unit 2129 Examiner's signature, if required.	interview Summary	Examiner	Art Unit	
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Date of Interview: 27 February 2008. Type: a) ☐ Telephonic b) ☐ Video Conference o ☐ Personal (copy given to: 1) ☐ applicant Z) ☐ applicant's representative] Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No. If Yes, brief description: ☐ ② ☐ No. Claim(s) discussed: 1,2,4-8,10-15.17-21 and 23-26. Identification of prior art discussed: ☐ Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☐ N/A. Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Examiner celled to discuss suggestions for putting the claims in condition for allowabe, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.) THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS GIVEN A NON-EXTENDABLE PERIOD OF THE INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet. Available, must be afficient of the statement of a signed Office action. **Wilbert L. Starks, Jr./** Primary Examiner, Art Unit 2129 Examiner Note: You must sign this form unless it is an Attachment to a signed Office action. **Wilbert L. Starks, Jr./* Primary Examiner, Art Unit 2129 Examiner Note: You must sign this form unless it is an Attachment to a signed Office action. **Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.	All participants (applicant, applicant's representative, PTC	O personnel):		
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Type: a) ☐ Telephonic b ☐ Video Conference o) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant 5 representative] Exhibit shown or demonstration conducted: d) ☐ Yes If Yes, brief description:	(2) <u>Pamela Riley</u> .	(4)		
exhibit shown or demonstration conducted: d) Yes e) No. e) eo e) eo eo eo eo eo	Date of Interview: 27 February 2008.			
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